THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27021 of 2005

Dated 20-12-2005

Between:

K.Sreeramachandra Murthy.

.. **PETITIONER**

AND

The Union of India and others.

.. RESPONDENTS

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ORDER:

The petitioner is working as Junior Telecom Officer in BSNL. Along with other candidates, he was promoted to the post of Sub-Divisional Engineer, through proceedings dated 07-12-2001. However, the petitioner was not issued the orders of posting on account of initiation of disciplinary proceedings shortly thereafter, and a charge-sheet was issued on 19-06-2002. After conducting enquiry into the same, the third respondent is said to have dropped the charges on 24-05-2004. The petitioner was issued orders of regular appointment as Sub-Divisional Engineer on 18-03-2005.

The grievance of the petitioner is that all his juniors were promoted to the post of Sub-Divisional Engineer with effect from 07-12-2001, whereas in his case, it was delayed on account of initiation of disciplinary proceedings. He contends that since the disciplinary proceedings have ended up in dropping of charges, he is also entitled to be appointed to the post of Sub-Divisional Engineer with effect from 07-12-2001. He claims to have made representations on 12-07-2004 and 22-09-2004 in this regard and in compliance with, no action has been taken thereof.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

A perusal of the order dated 07-12-2001 issued by the Department of Telecommunications, New Delhi, discloses that the name of the petitioner was included in the list of candidates for promotion to the higher post of Sub-Divisional Engineer. However, individual orders could not be issued to the petitioner on account of initiation of disciplinary proceedings. Once the disciplinary proceedings have ended up in dropping of the charges, the petitioner needs to be restored to such position, which would have occupied, but for the initiation of disciplinary proceedings. The petitioner had already made representations in this regard. They cannot be kept pending indefinitely.

Hence, the writ petition is disposed of, directing the second respondent to pass appropriate orders, on the representations made by the petitioner on 12-07-2004 and 22-09-2004, within a period of two months from the date of receipt of a copy of this order. No order as to costs.

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20-12-2005

Prv